

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**  
**Monday, June 6, 2016**

The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present was Auditor, Kimberly K. Grow; Highway Engineer/Supervisor, Jack R. Haberlin and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Russ Shouse, United States Army Veteran.

CLAIMS: Mr. Walstra made the motion to approve the claims as presented with the exception of the claims submitted by the Highway Department for Lehigh Hanson. Mr. Maxwell seconded and the motion carried.

PAYROLL CLAIM & ALLOWANCE DOCKET: Mr. Maxwell made the motion to approve the Payroll Claim & Allowance Docket for the check date equal to May 27, 2016. Mr. Walstra seconded and the motion carried.

MINUTES: Mr. Walstra made the motion to approve the Minutes of the Regular Meeting held on May 2, 2016. Mr. Maxwell seconded and the motion carried.

BURIED CABLE: Mr. Maxwell made the motion to approve the following buried cable permits submitted by Centurylink. Mr. Walstra seconded and the motion carried.

CENTURYLINK

ACT #16106215      For the purpose of placing new buried service wire in Walker Township. There is no tile in the area. (Permit #722)

ACT #16117290      For the purpose of placing new buried service wire to a residence in Wheatfield Township. There is no tile in the area. (Permit #723)

SPEED LIMIT REDUCTION REQUEST / CR 1100N: Carl Meyer, concerned citizen, was present on behalf of a group of residents located on a stretch of CR 1100N in Keener Township between CR 1100W and CR 1200W. Mr. Meyer explained that there are over 40 homes located within this section as well as an entrance to a subdivision. David Saulsgiver and Josh Anderson were also present to express their concern. Mr. Walstra stated that he would agree that the speed limit needs to be lowered to 30 – 35 mph. Mr. Culp stated that a public hearing will need to be held. A speed limit reduction of 35 mph will be advertised for the Tuesday, July 5 meeting at 9:00 a.m.

AIRPORT AUTHORITY / UPDATE: Brad Cozza, Airport Manager, was present to provide an update on the Fuel Farm Modernization project. Mr. Cozza reported that the new fuel farm tanks were delivered on Friday with hopes to be back online by mid to late June. The ribbon cutting ceremony will coincide with the Annual Fly-In/Drive-In & Pork Chop Lunch which is scheduled for Saturday, July 9 from 10:00 A.M. – 2:00 P.M. CST. The ceremony will take place at 11:00 A.M.

Mr. Cozza also announced that he has accepted an opportunity to serve the Hamilton County Airport Authority as the Airport Director of Indianapolis Executive Airport.

REZONE / UNION TOWNSHIP (ROSE ACRE FARMS): A request was made to change the zoning classification of real estate in Union Township from the **HC Highway Commercial District** to the **A-3 Intense Agriculture District** for the purpose of a confined feeding operation that will be part of the Dairy Adventure. The six members that were present at the Plan Commission meeting were all in favor of the request. Mr. Maxwell made the motion to approve **Ordinance No. 6-6-2016A**. Mr. Walstra seconded and the motion carried.

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AMENDMENT / UNIFIED DEVELOPMENT ORDINANCE: Mary Scheurich, Director of Planning & Development, presented an amendment to the Jasper County Unified Development Ordinance. The following was added under Article 5. Development Standards; 5.18 CF-03 Confined Feeding Standards:

- B. Manure Application Activities: Manure application activities shall be in accordance with 327 IAC 19-14-4. In addition, any manure to be applied shall be incorporated into the soil within forty-eight (48) hours.

Mr. Walstra made the motion to approve **Ordinance No. 6-6-2016B**. Mr. Maxwell seconded and the motion carried.

COMMUNITY CORRECTIONS / COURSE: William Wakeland, Director of Community Corrections, has requested to have Correctional Officers Halleck Tanner and Justin Baggerly attend the "Handle with Care" Recertification Course in Chicago, Illinois on August 11. Both officers are currently certified instructors in the program and have taught the class to the other staff members at Community Corrections. The cost of the training is \$450.00 per person. All expenses will be paid out of the Project Income Fund. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

BOARD OF ZONING APPEALS / APPOINTMENT: Mr. Maxwell made the motion to appoint Lance Strange to the Board of Zoning Appeals. Mr. Strange will fulfill the remainder of the term left by Daniel W. Reed. His term will expire on 12-31-2019. Mr. Walstra seconded and the motion carried.

SENATE BILL 67 / ADDITIONAL APPROPRIATION: In order to spend the funds received through Senate Bill 67, an additional appropriation will need to be advertised. Auditor Grow provided a report of the different categories that the money can be put into. Mr. Haberlin will provide a letter to the Council.

CHIP AND SEAL / GRANT MONEY: In regards to a recent email concerning changing the chip and seal to August 1, Mr. Maxwell expressed concern with completion before school is back in session. This could be an issue. Mr. Haberlin replied that there is a pretty good chance that we could receive grant money for the whole \$6.1 million. They are not going to tell us which roads we're going to get until after August 5. We can begin earlier but if certain roads that we do don't get picked out of our grant then that money just would never be able to have a match to it. Mr. Culp stated that our best chance to get the maximum amount is our first year.

ROAD INVENTORY / LETTER: Mr. Haberlin stated that the Commissioners signed a letter at the May meeting in regards to updating the road inventory; however, a motion was not made at that time. Mr. Walstra made the motion to approve the letter which details the new roads that were not previously included within our inventory. Mr. Maxwell seconded and the motion carried.

TITLE VI: Mr. Maxwell made the motion to approve the Title VI Plan and Compliance Procedures submitted by Mr. Haberlin pending attorney review. Mr. Walstra seconded and the motion carried.

ANNUAL HIGHWAY REPORT: Mr. Maxwell made the motion to approve the Annual Highway Report. Mr. Walstra seconded and the motion carried.

ESTIMATE / RESEALING OF PARKING LOT: Sheriff Risner submitted an estimate from Town & Country Paving for the resealing of the parking lot. The parking lot has been resealed at least twice since the opening of the facility. The cost will be paid for out of the maintenance budget. Additional money will most likely be needed within this budget due to some unforeseen expenses. Mr. Walstra made the motion to approve the estimate in the amount of \$8,979.95. Mr. Maxwell seconded and the motion carried.

COMMUNICATION OFFICERS / REPLACEMENT: Sheriff Risner requested permission to fill either the part-time or the full-time position as needs arise within the Communications Center. The full-time position will become available the 1<sup>st</sup> of July. In response to a question from Mr. Culp, Sheriff Risner replied that we have one (1) Communication Supervisor, ten (10) full-time Communication Officers, and three (3) part-time employees. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

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RADIO CELL TOWER / SHERIFF: Pictures of the new radio cell tower were distributed. The tower will go online on or around the 1<sup>st</sup> of July. Sheriff Risner stated that a breakdown of the cost associated with the coaxial and antenna installation will be completed.

SHERIFF / UPDATE: Sheriff Risner reported that we did reach a population of 104 inmates earlier this month. We have since come down into the 80s range. Mr. Culp stated that it seems, from what I read in the paper, that drug use appears to be pretty high. Sheriff Risner replied that it is. We have three (3) confirmed overdose deaths and we are waiting on toxicology reports from the Corner on four (4) more. Our Heroin Overdose Response Team (HORT) has responded to twenty-three (23) overdose calls as of the end of May.

EMAIL / USE OF COUNTY ROAD: Mr. Haberlin stated that an email has been received from Larry Simpson, DLZ. Mr. Simpson is representing Reith & Reilly and would like to know if we have been contacted in regards to the amount of RAP that will be coming from I65 to CR 1100W (.46 miles north of CR 200N). Mr. Culp asked if they were asking for a route? Mr. Haberlin replied that they are just asking us if Reith & Reilly has contacted us to use our roads yet. Mr. Culp stated that we probably need a protocol or permit for these outfits. Sheriff Risner stated that dust could be a problem. Mr. Culp stated that his thinking is that when these firms are running the roads, we need to know about it first of all and then there may be some extra requirements. Some kind of dust control should be a requirement.

JOB DESCRIPTION / EXTENSION OFFICE: Bryan Overstreet, Extension Educator, was present in regards to a recent request to change the job description of Chrystal Kaufman to Office Manager. Mr. Culp stated that, as far as he's concerned, he doesn't personally care if you change the title; however, if you change the title and there's going to be other compensation, that's where I think we're going to have some issues...not necessarily in your office but in the rest of the county offices. The Council would have to make the decision on the funding. Mr. Overstreet stated that he knew he had to start here. Mr. Culp replied that, in my opinion, we could say that we don't have a problem with this but we wouldn't necessarily give a recommendation that they compensate the manager more than the deputy because those two positions receive the same pay as what the courthouse deputies receive. Auditor Grow stated that there is a distinction with the longevity pay. Mr. Maxwell stated that he agreed with Mr. Culp on the pay end. Mr. Walstra stated that he feels the same. Mr. Maxwell stated that he doesn't really agree with the change himself. Mr. Walstra clarified that it's just the job description, right? They aren't asking for anything. Mr. Culp replied "right". Mr. Walstra stated that he doesn't have a problem with changing the job description. Mr. Walstra made the motion to approve the change in the job description to create an Extension Office Manager. Mr. Maxwell seconded and the motion carried.

BEES / EXTENSION OFFICE: Mr. Culp stated that he received a phone call from Colleen Culp in regards to an issue with the bees. Mr. Overstreet replied that there appeared to be an issue with the queen which caused the bees to be very unhappy for a few days resulting in several bee stings. The queen has been replaced and there does not appear to be any more issues.

MOWING AT SURVEYOR / EXTENSION BUILDING: Colleen Culp has requested an additional \$10.00 to mow the area located between the drive and the new community garden at the Surveyor/Extension Building. Mr. Culp also stated that Farm Bureau will be sealing their parking lot and they would like to know if the County would be interested in sealing ours. Mr. Walstra made the motion to increase the mowing fee for Colleen Culp to \$50.00 per mow. Mr. Maxwell seconded and the motion carried.

CONCERNED CITIZEN / RIGHT-OF-WAY: Mary Ann Mehan, concerned citizen, stated that she resides on CR 1175N in Wheatfield; however, she is in the DeMotte buffer zone. Ms. Mehan explained that she installed a driveway on the easement in order to get to the main road and there is an issue with the home located behind her accessing the driveway. The road ends at the beginning of my property. For 27 years we have had to maintain that 400 feet. We put the asphalt in. No one comes in and plows and no one comes in and fixes that driveway. I've had the Highway Department out there and they have stated that as far as they are concerned, it is my driveway. I was told by the Town of DeMotte to put a new driveway in. The cost to put that 400' in would be \$14,500.00. Why should I do it? I've been here 27 years and maintained everything and all of a sudden I am in a Catch 22.

CONCERNED CITIZEN / RIGHT-OF-WAY CON'T: I called the Highway Department and they tell me to get a lawyer. I talked to a lawyer and they said that it would just be never-ending. Mr.

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Culp asked Ms. Mehan if the neighbor obtained the driveway permit from the town or from the county? Ms. Mehan presented a copy of the driveway permit that was issued by the county in 2006. Ms. Mehan asked if the area could be vacated or if the county could take the road over? Mr. Culp stated that he had the Road Foreman look at the road; however, he is currently on vacation. It could be an option to take the road over. Mr. Haberlin stated that we have a right-of-way if the road exists. If the road is never really put in to our specs, we really don't have anything. Attorney Beaver stated that maybe there was something platted but never built. If that was platted, then there would be a right-of-way already set forth that nobody can build in so that then the county would be able to put a road in. We would not be able to vacate a right-of-way that would landlock somebody. Mr. Culp stated that it sounds like we need to do a little bit of research to see what we have. Attorney Beaver stated that it may be useful to see if there is a survey of this parcel on file with the Auditor's office or to do a title search on that tract just to see what the history is as far as is there a right-of-way that the county owns. The answer may be for the county road to be extended for a little way.

ECONOMIC DEVELOPMENT / UPDATE: Kevin Kelly, Jasper County Economic Development Director, reported that there have been or are in the process a number of real nice building projects that are taking place or have taken place within the county.

The Tourism Commission met on Friday at which time they gave formal approval for a \$5,000.00 grant to the Tippecanoe Arts Foundation. The Tippecanoe Arts Foundation is working with the ownership of Embers to put a mural on the side of the building. The National Endowment for the Arts is giving Tippecanoe Arts Foundation \$30,000.00 to do three (3) separate mural projects of which one is the Embers project. The mural will be put up the week of June 13<sup>th</sup> – 20<sup>th</sup>.

Mr. Kelly reported that three (3) proposals were received to paint the Bicentennial Bison. The three individual artists have decided to meld their concepts and work together in painting the bison. The goal is to have the project completed by the 4<sup>th</sup> of July.

We just finished publishing the initial Jasper County Visitors Guide. The guide will be a continuous improvement-type document that we will print at least once a year. An insert listing all of the local restaurants was added. We have printed and distributed 10,000 copies. Mr. Kelly requested permission for the Tourism Commission to purchase a literature rack to place in the courthouse. Approval was given.

At this time, there was a short break.

NIPSCO / VACATE OF CR 250E: Attorney Beaver reported that we are getting real close to reaching an agreement on the wording of the document and the one suggested change we made to them last week was to request a warranty deed rather than a quit claim deed. That is currently under advisement with NIPSCO. Attorney Beaver hopes to be able to wrap up our dealings with NIPSCO at the July meeting.

INTERNAL CONTROLS / ORDINANCES: Attorney Beaver stated that I have a couple of ordinances that relate to the statute that was passed last year by the Indiana General Assembly that is requiring the county to implement its own internal control policies. One of the aspects of this is something that I had mentioned at the last meeting. There is a materiality threshold that any sort of variation from the cash on hand to what is shown in the records needs to be reported to the State Board of Accounts for their investigation and that is only for material deviations. Last meeting, the Commissioners elected to set that threshold at \$500.00. This is separate from another requirement that's in the same statute that if there is any sort of misappropriation by a county official or county employee, it needs to be reported whether it's a penny or a million dollars so there is no materiality threshold with that. I drafted an ordinance that sets out both of these requirements using that \$500.00 threshold. Mr. Maxwell made the motion to approve **Ordinance No. 6-6-2016C**. Mr. Walstra seconded and the motion carried.

INTERNAL CONTROLS / ORDINANCES CON'T: In line with the Department of Justice requirements, the Commissioners, as the legislative body, are required to adopt a standard of internal controls by the end of June. In November, the State Board of Accounts published some guidance as to what the minimum levels of internal control should be. That document is 77 pages

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long and it's permissible for the Commissioners to adopt those standards as minimum standards. Mr. Maxwell made the motion to approve **Ordinance No. 6-6-2016D** adopting internal control standards for the County. Mr. Walstra seconded and the motion carried.

VACATE / WILLOW HAVEN SUBDIVISION: Attorney Beaver explained that there is a person attempting to purchase property in the Willow Haven subdivision and their lender is holding up financing because the title search revealed that there was a right-of-way that was vacated at a public meeting 25 years ago; however, they couldn't find the ordinance that actually did that. After some research, it appears that following a public hearing that was held in 1991, a petition was filed to vacate a right-of-way. Attorney Beaver presented an ordinance that essentially acknowledges that an ordinance was passed back in 1991. Mr. Maxwell made the motion to approve **Ordinance No. 6-6-2016E** in reference to a street vacation in Willow Haven subdivision. Mr. Walstra seconded and the motion carried.

ORDINANCE CODIFICATION / UPDATE: Attorney Beaver reported that we have been able to scan and upload the 1993 Code which actually was supplemented in 1988. There is yet to be a decision as to include the UDO in the package. Mr. Culp stated that no decision was made at the GIS meeting. In response to a question from Mr. Culp, Mr. Batley replied that there is a copy of the UDO on the county's website. Mr. Walstra made the motion to include the UDO as part of the contract terms. Mr. Maxwell seconded and the motion carried.

SENATE BILL 67 / DISCUSSION: Jack Haberlin, Gail Ackerman and Bill Webb were present to discuss the Senate Bill 67 distribution. Ms. Ackerman stated that, as discussed, we would not be taking any of the new equipment out of that 67 money. On the new equipment, we encumbered \$161,194.00. This was used to pay for the four (4) truck beds and the twister. We are left with \$410,560.00 in new equipment. We can also pull out \$418,323.00 out of LR&S for new equipment. Mr. Culp asked Mr. Haberlin for his thoughts on roads. Mr. Haberlin stated that what he really believes is how this system is going to keep going and each year we have to rate our road and each year we have to turn that into Purdue and each year we have to pick which roads we want. Each road that we pick and we just spend that 67 money on that and we get a grant back for it. I believe it would take time but for \$6.1 million you have in 67 money, you get \$6.1 million back in grant money. Mr. Maxwell asked how soon? Mr. Haberlin replied that if you fast tracked it and you got a million every year, it'd take you 6 years. Now we know that everything has to be an individual project. Mr. Culp stated that prices are low so my thought is that we need to front end this and spend extra money this year because we know that prices are low but if you do that and you don't get the match, you've lost the chance to match the whole \$6 million. Further discussion took place. In response to a question from Mr. Haberlin, Attorney Beaver stated that to invite quotes for a road or a bridge, the weight or the volume of the materials has to be able to be accurately measured and verified. The specs must define the geographic points of the project at beginning and ending. For roads and bridges, one project is defined as all contiguous parts in one calendar year. The county can use its own workforce on anything up to \$250,000.00. Under \$25,000.00, you can receive quotes by phone without the seven day period. If the project is between \$50,000.00 and \$150,000.00, you can also request written quotes seven days prior to receiving bids; however, the bids have to be opened at a public meeting. If the county is using its own workforce on a project over \$100,000.00, the county has to publish notice of the intent to perform the project and use its own workforce and say what the cost is. A public work project performed by its own workforce must be inspected and accepted as complete in the same manner as a public works project performed under a contract.

**AFTER THE JASPER COUNTY DRAINAGE BOARD MEETING:**

POSITION DESCRIPTION / ASSISTANT DIRECTOR OF COMMUNITY CORRECTIONS: Mr. Walstra made the motion to approve the position description for the Assistant Director/Evidenced Based Practice Coordinator for Community Corrections. Mr. Maxwell seconded and the motion carried.

There being no further business, Mr. Walstra made the motion to continue the meeting until Tuesday, June 14, 2016 following the Jasper County Drainage Board meeting. Mr. Maxwell seconded and the motion carried.

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JASPER COUNTY BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Kendell Culp, President

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James A. Walstra, Vice President

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Richard E. Maxwell, Member

ATTEST:

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Kimberly K. Grow, Auditor of Jasper County

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